

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

QUENTEL REED,

Defendant.

Case No. 12-cr-00161-YGR-1

**ORDER DENYING DEFENDANT’S MOTION
FOR RECONSIDERATION**

Re: Dkt. No. 35

Presently before the Court is defendant Quentel Reed’s “omnibus motion” for a sentencing reduction pursuant to 18 U.S.C. 3582(c)(2). (Dkt. No. 35.) Petitioner apparently seeks the same relief he requested in connection with an earlier motion for sentencing reduction (Dkt. No. 32), which the Court denied on December 4, 2015 (Dkt. No. 34). As before, he argues that his sentence should be reduced pursuant to 18 U.S.C. § 3582(c)(2), citing amendment 782¹ to United States Sentencing Guidelines §§ 2D1.1, 2D1.11, and pointing to *Pepper v. United States*, 562 U.S. 476 (2011) (holding that when a defendant’s sentence is set aside on appeal, the district court at resentencing may consider evidence of post-sentencing rehabilitation). Thus, the Court construes the instant motion as one for reconsideration pursuant to Federal Rule of Civil Procedure 60.

Rule 60 allows for relief “from a final judgment, order, or proceeding” in any of the following circumstances:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

¹ Amendment 782 lowered the recommended sentences for many drug trafficking offenses. See *United States v. Navarro*, 800 F.3d 1104, 1107 (9th Cir. 2015).

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

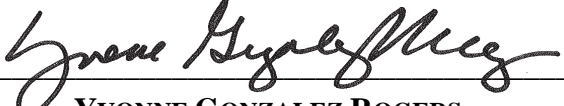
See United States v. Okafor, 550 F. App'x 414, 415 (9th Cir. 2013) (reviewing a district court's denial of a motion to reconsider an earlier sentencing reduction under the Rule 60 framework).

Here, the defendant largely raises the same issues earlier adjudicated, but points to additional legal authority which predated the earlier order and which does not, in any event, call for a contrary result. *See, e.g., Dorsey v. United States*, 132 S. Ct. 2321 (2012) (holding a particular sentencing reduction applied retroactively to defendants who committed an offense prior to the act's effective date but who were sentenced thereafter). Accordingly, having failed to establish any grounds for relief, the defendant's motion is **DENIED**. Although the Court lacks authority to reduce the defendant's sentence, the Court commends the defendant for his successful completion of courses during his term of imprisonment.

This Order terminates Docket Number 35.

IT IS SO ORDERED.

Dated: March 22, 2016


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE